

Applic. No. 10/667,717

Amdt. dated January 19, 2006

Reply to Office action of October 19, 2005

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-14, 16, and 18-24 remain in the application. Claims 1 and 5 have been amended. Claims 15 and 17 are being cancelled herewith.

In the second paragraph on page 2 of the above-identified Office action, claims 1-5, 8-10, 13, 14, and 15-17 have been rejected as being fully anticipated by Zimmer et al. (U.S. Patent No. 6,873,580 B2) (hereinafter "Zimmer") under 35 U.S.C. § 102.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and as a whole, the claims have, therefore, not been amended to overcome the references. However, in order to facilitate prosecution of the application claim 1 has been amended to include subject matter of claim 5 and 15 of the instant application.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

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Claim 1 calls for, *inter alia*:

at least one of the supporting element and the deflection device being produced from glass and being nondetachably connected to the substrate.

The Zimmer reference discloses an optical head which includes a submount (16), an optical prism assembly (14), and a lens assembly (12). The submount (16) includes a laser assembly permanently mounted on a substrate (20). The laser assembly (20) includes a laser diode (30). Spacer blocks (34 and 36) are interposed between the substrate (20) and the optical prism assembly (14). One side of spacer block (34) is provided with a 45° turning area (38) that reflects a horizontal laser beam to a vertical upward direction. Zimmer discloses that the substrate (20) may be a die cut from a silicon wafer (column 2, lines 59-60). Zimmer does not disclose that the supporting blocks (34 and 36) are made of glass. Accordingly, applicants disagree with the Examiner's comments in the last paragraph on page 4 of the Office action, that Zimmer discloses that the "deflection device is produced from glass and nondetachably connected to said substrate (col.4 29-53)."

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The reference does not show a at least one of the supporting element and the deflection device being produced from glass and being nondetachably connected to the substrate, as recited in claim 1 of the instant application. The Zimmer reference discloses spacer block (34 and 36). Zimmer is silent as to the composition of the spacer blocks. Zimmer does not disclose that the spacer blocks are made of glass. This is contrary to the invention of the instant application as claimed, in which at least one of the supporting element and the deflection device and is produced from glass is being nondetachably connected to the substrate.

Since claim 1 is believed to be allowable, dependent claims 2-5, 8-10, 13, 14, and 15-17 are believed to be allowable as well.

Even though claim 1 is believed to be allowable, the following further remarks pertain to the non-obviousness of claim 1.

Zimmer does not disclose the properties, particularly the material properties, of the spacer blocks. Therefore, a person of ordinary skill in the art is not provided with any motivation to produce the spacer blocks of Zimmer out of glass.

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In the second paragraph on page 5 of the Office action, claims 6, 7, 11, 12, and 18-24 have been rejected as being obvious over Zimmer (U.S. Patent No. 6,873,580 B2) under 35 U.S.C. § 103. Since claim 1 is believed to be allowable, dependent claims 6, 7, 11, 12, and 18-24 are believed to be allowable as well.

Even though claim 18 is believed to be allowable, the following further remarks pertain to claim 18.

Zimmer does not disclose how the spacer blocks (34 and 36) are produced. Therefore, a person of ordinary skill in the art is not provided with any motivation to fabricate a deflection element disclosed by Zimmer by sawing a glass wafer into individual strips.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-14, 16, and 18-24 are solicited.

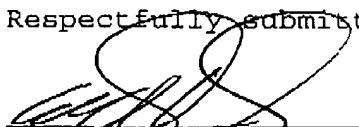
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In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,


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